

REMARKS

By this amendment, claims 11-12 have been cancelled, and claim 14 has been rewritten in independent form. Accordingly, claims 3-10, 14-20 and 23-25 are now pending.

Based on the reasoning of the Office Action, the pending claims essentially stand rejected as follows:

1. Claims 3-8, 10, 19-20 and 23-25 stand rejected under 35 U.S.C. §102 as anticipated by the Branders.com public use (References V, W and X);
2. Claim 9 stands rejected under 35 U.S.C. §103(a) as obvious from the Branders.com public use in view of Spclevnts.com (Reference U); and
3. Claims 14-18 stand rejected under 35 U.S.C. §103(a) as obvious from Spclevnts.com in view of the Branders.com public use.¹

Applicant respectfully asserts that the claims as amended and presented herein are allowable over the above references.

Specifically, the claims as presented herein now variously all recite that selectable display icons each represent one of a plurality of different perspective views for a single object. That is, by way of example as shown in the "Select View" portion (42) of Fig. 2 of Applicant's disclosure, the user may select a front view, a right side view, or a left

¹Claims 15-18 were rejected as anticipated by Spclevnts.com when they depended from claim 11. Claim 14 was rejected as indicated above (e.g., under 35 U.S.C. §103(a) as obvious from Spclevnts.com in view of the Branders.com public use). Since claims 15-18 have been amended herein to variously depend from claim 14 (now rewritten in independent form), it is assumed that the basis of the claim 14 rejection would be considered to apply to claims 15-18.

side view for a given hat design (selected at 40 in Fig. 2). As to that feature, independent claim 3 recites a method which includes, *inter alia*:

[providing] a display with a plurality of display icons representing different perspective views of a predetermined three-dimensional shape of one object, . . . wherein said user inputs are adapted to provide different perspective views of said object with said display element displayed thereon as selected".

Independent claim 14 recites a method which includes, *inter alia*:

selecting at least one display icon from a plurality of display icons, each of said display icons representing different perspective views of one cap design offered for sale.

Independent claim 19 recites, *inter alia*, a computer network server which includes, *inter alia*:

a display icon generator transmitting selected ones of a plurality of display icons . . . representing a plurality of different perspective views of each of the three-dimensional shapes[, and] . . . a processor . . . generating a visual representation of the user selected design element on the object represented by the selected display icon.

It is respectfully submitted that neither Branders.com nor Spclevnts.com teach or suggest this aspect of the present invention, and that the Office Action's reference to "Ref W: About Branders.com" as teaching such a feature misunderstands Ref W. Specifically, the Office Action makes a general assertion as to this feature with respect to claim 3, but in reference to claim 14 more specifically states:

Branders.com discloses a method wherein a plurality of display icons are provided, and each of said display icons represent different perspective views of one cap design. (Ref W: About Branders.com, "Branders.com is the leading online provider of custom-branded promotional products. Branders.com's exclusive 'See Before You Buy allows companies to interac-

tively find, brand and buy promotional products online, with the immediate ability to see a logo or artwork in 3-D on a product.”).

(Office Action, page 8).

The quoted language from Ref W, however, does not in any way suggest a plurality of display icons each representing different perspective views of one cap design. Certainly, there is no explicit reference to multiple different perspective views. In fact, all Ref W refers to is the “ability to see a logo or artwork *in 3-D* on a product”. Technically speaking, no computer network displays in “3-D” (unless perhaps they used a holographic image which, so far as the undersigned is aware, are in computer systems only in futuristic movies [with the movies themselves actually being only two dimensional representations]).

In any event, it is quite clear that this reference is to the provision of an image of a three dimensional object in two-dimensional form (*i.e.*, a single picture). In fact, that is what the undersigned has found to be present at the Branders.com web site even today (a two dimensional representation of a single perspective view of each cap design), as can be seen in the sample attached hereto.²

Moreover, Branders.com even today supports the patentability of the present invention by recognizing the value of such a feature while still failing to provide that fea-

²It is acknowledged that the current day attachment cannot be definitively stated to be the form used by Branders.com prior to Applicant's invention. Nonetheless, it is submitted that had such a feature been used at that time it would likely still be available today, such that the lack of such a feature even today is a strong indication that it never existed. Given the tortured reading of Ref W apparently used to find such a feature, the absence of the feature even today should, at a minimum, be recognized as confirming that the tortured reading was erroneous.

ture. That is, not only is only one perspective view available for the indicated hat, at the upper right of the first page of the attached sample is a box which states³:

Want an Additional Imprint Area?
Just give Rory Pineda a call at 650-287-2376

This is a clear recognition at Branders.com that areas other than the front crown of the hat may be visibly important to a customer. However, even in the special case where the user selected design may be in an imprint area which may only be viewable in a different perspective view, rather than providing the user of the convenience of viewing the imprint from that different perspective view, they require that the customer inconveniently call via telephone without seeing the look of the hat.

In short, the present invention as now claimed provides an advantageous feature which is not suggested in the Branders.com reference. Moreover, in its current version, Branders.com actually teaches away from the present invention, further strengthening the fact that the sketchy description of the Branders.com prior is not what the Office Action has interpreted it to be.

In view of the above, it is respectfully submitted that pending claims 3-10, 14-20 and 23-25 are all in condition for allowance. Early notification to that effect is respectfully requested.

³In the attachment as the undersigned has been able to print out, the box is cut off. All that shows on the print out is:

Want an
Just give

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By Jeffrey L. Clark

Jeffrey L. Clark
Reg. No. 29,141

January 14, 2005

500 West Madison Street
Suite 3800
Chicago, IL 60661-2511
(312)876-1800